

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 7/12/13	NEED RESPONSE BY: 7/22/13
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Monterey	
3. PHONE NO.:	7. SUBJECT: Reasonably Anticipated Income	
4. REGULATION CITE(S): (§63-503.242 (a)(1)(3) and (b)(1)(QR). 63-503.14 (QR)	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 03-18	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Claimant had previously received fs for hh of 2 and was discontinued when he began to receive SDI. Was told to come back when SDI ended. Claimant reapplied in April 2013, month in which he received his last SDI check for \$346. Check stub notifies cl that this check exhausts his benefits. Cl wife has \$1605.56 in earnings in April. County averaged \$346 SDI check and counted \$115.33 as countable income in each of 3 months, making hh ineligible as over Max Gross (\$1640).

Was county's action correct?

10. REQUESTOR'S PROPOSED ANSWER:

The county should not have counted the SDI income at all, as it is discontinued income, a concept which passed from MR to QR as "reasonably anticipated income". It was not reasonable for the county to anticipate that the cl would receive any SDI income in any amount in the future three months.

However if regulations require the counting of the SDI income in the month of application, cl is ineligible. If cl were change reporting hh, 63-503.14 would apply and county would have had the duty follow this regulation:

However cl is not change reporting hh and there is no equivalent regulation for QR households.

Please advise.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Based on the scenario above the state concurs with the proposed response. ACL 03-18 defines "reasonably anticipated income" as income that is earned or unearned and is reasonably certain that the recipient will receive a specified amount of income during any month of the Quarterly Reporting Payment Quarter or the household is otherwise reasonably certain that the income will be received within the quarter. Additionally, state regulations at MPP Section 63-503.242 (b)(1)(QR) state "Income reasonably anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged. The CWD shall use the exact monthly figures if it can be reasonably anticipated. Therefore, the CWD should have counted the SDI income as it was received in the month of application and the income would not have been applied to subsequent months, because the SDI check stub indicated benefits were to be discontinued.

FOR CDSS USE

DATE RECEIVED:

July 12, 2013

DATE RESPONDED TO COUNTY/ALJ:

July 17, 2013

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 7/17/13	NEED RESPONSE BY: 7/22/13
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Monterey	
3. PHONE NO.:	7. SUBJECT: discontinued income in month of application	
4. REGULATION CITE(S): 63-503.14	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 03-18	

To follow up on your response to my prior question, the claimant would be ineligible in April, the month of application, if his last SDI check of \$346 is counted in addition to his wife's \$1605 in earned income. I found the following regulation, which appears to apply only to change reporting hhs, but the claimant is a quarterly reporting hh. If the county applied 53-503.14 to the claimant, "...a hh may be ineligible for the month of application but eligible in the subsequent month due to reported, estimated or anticipated change sin circumstances. Even though denied for the month of application, the hh does not have to reapply in the subsequent month. The same application shall be used for the denial for the month of application, and for the determination of eligibility in subsequent months...."

I cannot find this same regulation applied to QR hhs and don't know why it would only apply to change reporting hhs.

Also I wonder what it means: That the county would use the claimant's same application from April, to determine his eligibility in May, but in May his SDI income would have ended in the prior month of April, so if his wife's earned income remained the same or was less, the hh would be eligible?

63-503.14 (QR) Determination of benefits in a change reporting household, based on reported, estimated or anticipated changes, may result in a household being eligible for the month of application, but ineligible in the subsequent month. The household shall be entitled to benefits for the month of application even if the processing of its application results in the benefits being issued in the subsequent month. (See Sections 63-504.1 for certification periods and Section 63-504.2 for notice requirements.) Similarly, a household may be ineligible for the month of application, but eligible in the subsequent month due to reported, estimated or anticipated changes in circumstances. Even though denied for the month of application, the household does not have to reapply in the subsequent month. The same application shall be used for the denial for the month of application, and for the determination of eligibility for subsequent months, within the timeliness standards in Section 63-301.1.

.141 Section 63-503.141(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration. (QR) Determination of benefits in a QR/PB household is also based upon reported, estimated and/or anticipated income over the QR Payment Quarter. The household shall be entitled to benefits if otherwise eligible in accordance with Sections 63-508 and 63-509. If this regulation does not apply to quarterly reporting hhs then the appeal must be denied.

Thank you --
 Carole Harper

07/18/2013

States Response: The CWD is required to make a determination of benefits in a QR/PB household based on income that is reasonably anticipated. This applies to all types of income earned and unearned. If the amount of income is reasonably certain and/or the amount of income is known (in this case it was known to the CWD that the SDI income would not continue) this income should only be counted for the month in which it is received and not applied to subsequent months. For income that is uncertain or cannot be reasonably anticipated this income would not be counted when determining income eligibility and benefit levels for the subsequent months.

07/26/2013 - As discussed during the phone call, regulations at MPP 63-503.14 applies to all CalFresh h/hs whether quarterly reporting or change reporting, as it is based on the federal regulation 7 CFR 273.10(a)(3) which does not distinguish between quarterly reporting and change reporting h/hs. Therefore, the state is in agreement that the county must rescind the denial of the claimant's April 2013 application for CalFresh and reconsider that application for the month of May 2013, in which month the claimant would not receive any SDI income. If the claimant's h/h is found to be eligible as of May 2013, the county must provide CalFresh benefits effective May 2013 and continuing as otherwise eligible.